

Mayor
Rita Dotson

City Clerk
Michele Edwards

City Treasurer
Bethany Cooper

City Attorney
Martin Johnson

Police Chief
Tracy Watwood

Resolution to the City of Benton Number 15-07-02

I certify I am the duly qualified City Clerk of the City of Benton, Kentucky, and the following pages of the Resolution Number: 15-07-02 is a true, correct and complete copy, duly adopted by the City Council at a convened meeting held on July 20, 2015, all as appears in the official records of the said City of Benton, Kentucky.

WITNESS my hand and the Seal of the City of Benton, this the 18 day
of August, 2015.


Michele Edwards
Benton City Clerk

S E A L

RECEIVED AND FILED
DATE Sept 9, 2015

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Hardie Addison

RESOLUTION

No. 15-07-02

**A RESOLUTION CORRECTING AN ORIGINAL KRS 81.045
FILING AND ADOPTING A MODERN LEGAL DESCRIPTION
OF TERRITORY PREVIOUSLY ANNEXED BY ORDINANCE**

WHEREAS, the City of Benton, Kentucky (hereafter the "City"), on July 16, 1981, submitted a boundary statement and other information in compliance with KRS 81.045; and

WHEREAS, an area annexed July 20, 1976 was not included in the KRS 81.045 boundary statement inasmuch as the map submitted was prepared in 1976 and the City failed to make a correction to the map to include the hereinabove referenced ordinance when the KRS 81.045 filing was submitted to the Secretary of State's Office in 1981; and

WHEREAS, the Ordinance dated July 20, 1976 was not overturned by the court in Civil Action No. 3546 or in an election process; and

WHEREAS, the City further wishes to provide a modern legal description and annexation plat for the purposes of showing the location of the July 20, 1976 annexation, same having been prepared by a professional land surveyor for the purposes stated therein; and

WHEREAS, the City wishes to correct its KRS 81.045 filing and comply with the requirements of Amended KRS 81A.470; and

WHEREAS, with respect to the Ordinance dated July 20, 1976, the City does not intend to replace its prior ordinance annexing, but rather to interpret the defined boundaries of the territory previously annexed; and

WHEREAS, the City wishes to add the modern legal description of the territory previously annexed to its KRS 81.045 filing, thereby correcting same,

NOW, THEREFORE, be it resolved by the City of Benton, Kentucky (the "City") as follows:

1. The City adopts the following legal description and plat attached hereto as prepared by A. Clay Robinson, Licensed Professional Land Surveyor No. 3219 for the purposes stated therein, as a modern description of the property previously annexed into the corporate city limits of the City by Ordinance dated July 20, 1976, a certified copy of which is attached hereto as Exhibit C, and hereby adopts said new legal description and plat as the official legal description and plat to be adopted by the City for all purposes when referencing this prior annexation.

2. The new legal description as prepared by A. Clay Robinson, Licensed Professional Land Surveyor No. 3219 for the purposes stated therein, is as follows:

See attached Exhibit A for said Legal Description.

See attached Exhibit B for said Annexation Plat.

3. This resolution and the attached documents shall be filed with the Office of the Secretary of State to correct the City's KRS 81.045 filing.

Adopted unanimously upon proper motion, second and vote on this 20th July, 2015.



RITA DOTSON, MAYOR
CITY OF BENTON, KENTUCKY

ATTEST:



MICHELE EDWARDS, CLERK
CITY OF BENTON, KENTUCKY

**Annexation to the City of Benton, Marshall County, Kentucky
Of July 20, 1976, Tract No. 2
Northgate Shopping Center, Civil Court Action No. 3546
2015 Resolution Description**

A parcel of land, a portion of which is known as Northgate Shopping Center as shown on Deed Book 394 Page 73 of the records of the Marshall County Court Clerk, lying on the east side of the US Highway 641 North and south of the East Fork of Clarks River as Annexed by Ordinance July 20, 1976, Tract No. 2 and being more particularly described as follows:

Beginning at a point in the centerline of US Highway 641, said point being located 853.32 feet more or less in a northeast direction from the northwest corner of the Stilley Heirs Subdivision as recorded in Plat Book 1 Page 98 of the records of the Marshall County Court Clerk, said point having Kentucky State Plane South Zone coordinates of North 1,846,803.73 and East 880,661.03;

Thence, from the point of beginning, along the centerline of US Highway 641, along a curve to the right having a Radius of 2864.79 feet, a curve length of 198.40 feet, and a chord of 198.36 feet on a bearing of North 27° 11' 44" East to a point:

Thence, along the centerline of US Highway 641, North 29° 10' 46" East a distance of 45.35 feet to a point;

Thence, along the centerline of US Highway 641, along a curve to the left having a Radius of 2864.79 feet, a curve length of 280.90 feet, and a chord of 280.79 feet on a bearing of North 26° 22' 13" East to a point:

Thence, along the centerline of US Highway 641, North 23° 33' 41" East a distance of 268.11 feet to the south bank of Clarks River;

Thence, leaving the centerline of US Highway 641, along the south bank of Clarks River, South 67° 41' 50" East a distance of 163.13 feet to a point;

Thence, along the south bank of Clarks River, South 24° 36' 35" East a distance of 20.83 feet to a point;

Thence, leaving Clarks River, South 44° 55' 06" West a distance of 118.56 feet to a point;

Thence, South 15° 48' 12" East a distance of 368.83 feet to a point;

Thence, South 49° 44' 50" West a distance of 215.31 feet to a point;

Thence, South 37° 25' 33" West a distance of 164.90 feet to a point;

Thence, South 89° 14' 31" West a distance of 110.17 feet to a point crossing the existing city limits North 1,846,726.07 and East 880,823.42;

(continued)

Thence, North 60° 31' 14" West a distance of 109.27 feet to a point in the existing east right of way of US Highway 641;

Thence, North 64° 47' 19" West a distance of 56.56 feet to the point of beginning.

The above described parcel contains 4.796 acres more or less.

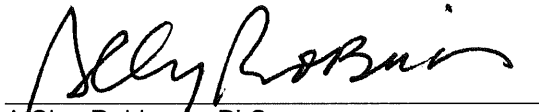
As shown on a plat labeled "Resolution Plat Depicting Original Ordinance Dated July 20, 1976 Tract 2" on Drawing C-2 as prepared by Shawnee Professional Services dated July 10, 2015.

All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on July 7, 2015.

Note: the purpose of this description is to provide information for the annexation of the 4.796 acres described to the City of Benton, Kentucky. This description or plat does not represent a boundary survey and is not intended for land transfer or to establish ownership lines or a property boundary.

Prepared by and in accordance with a partial survey performed under the supervision of:

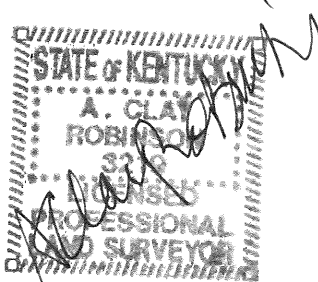
A. Clay Robinson
Ky. Licensed Prof. Surveyor 3219
Shawnee Professional Services
401 Washington Street
Paducah, Ky. 42001



A Clay Robinson, PLS

7-10-15

Date



STAMP

Case 3 Northgate July 20 1976.doc
A Clay Robinson
July 10, 2015

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

To research the map, contact the
Office of Secretary of State
or the County Clerk.